

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Iowa

United States of America

v.

LEVON VARNE DEAN, SR. aka Lee Dean, STEFFAN
DEAN, KIMBERLY SMITH, MONICA ROCHA-CONTRERAS
EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ,
ANNA BAKER, and INGMAR HERNANDEZ

Defendant(s)

Case No. 1:14 mj 258-06

(M-14-2387-M)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/29/2013 to about 9/1/2013 in the county of Woodbury in the
Northern District of Iowa, the defendant(s) violated:

Code Section
18 U.S.C. 371

Offense Description
Conspiracy to defraud the United States by obstructing a federal investigation

This criminal complaint is based on these facts:
see attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 10/31/14

City and state: Sioux City, Iowa

Todd Monney
Complainant's signature

Special Agent Todd Monney, ATF

Printed name and title

[Signature]
Judge's signature

HONORABLE LEONARD T. STRAND, U.S. MAGISTRATE

Printed name and title

ATTACHMENT "A"
PROBABLE CAUSE AFFIDAVIT

I, Todd Monney, being duly sworn, depose and state that:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice, and have been so employed since 2003. Prior to my employment as an ATF Special Agent I was employed for two years as a Special Agent for the U.S. Department of Labor, Office of Labor Racketeering and Fraud Investigations in Chicago, Illinois. Prior to my employment as a Special Agent for the U.S. Department of Labor I was employed for thirteen years as a Deputy Sheriff for the County of Kankakee located in Illinois. I attended and successfully completed the 10 week Criminal Investigator Training Program at the Federal Law Enforcement Training Center. I attended and successfully completed the 14 week ATF Special Agent Basic Training Program at the ATF National Academy located at the Federal Law Enforcement Training Center. I attended and successfully completed the ATF Digital Media Collection Specialist Training at the National Center for Explosives Training and Research (NCETR) at Redstone Arsenal in Huntsville, Alabama. I attended and successfully completed the International Society of Computer Forensic Examiners (ISFCE) certified computer examiner training and have been certified as a Certified Computer Examiner (CCE). I graduated from the Lincoln Land Police Training Academy in Springfield, Illinois. I have a Bachelor of Science Degree in Law Enforcement Management from Calumet College of St. Joseph, Whiting Indiana.

PURPOSE OF THE AFFIDAVIT

1. The purpose of this affidavit is to show probable cause that the individuals named in the complaint conspired to obstruct the federal investigation and prevent the apprehension of JAMAL DEAN for his firearms and related offense from about April 29, to about September 1, 2013.

INTRODUCTION

2. In the course of my duties with the ATF, I have learned the following information based upon my personal observations and interviews, and upon information provided by other Special Agents, Deputy Marshals and Officers:
3. Sometime before April 15, 2013, JAMAL DEAN acquired a semiautomatic Mossberg .22 caliber rifle and Federal brand ammunition.
4. On April 15, 2013, JAMAL DEAN, LEVON DEAN, and others committed an armed robbery with the Mossberg .22 caliber rifle affecting interstate commerce in Sioux City, Iowa. Shortly after April 15, 2013, JAMAL DEAN, LEVON DEAN, and others became suspects in a joint state and federal investigation into the robbery affecting interstate commerce, a carjacking, firearms offenses, and other related offenses that Sioux City Police Detective Troy Hansen and I were actively investigating.

5. On April 24, 2013, JAMAL DEAN and LEVON DEAN, committed a second armed robbery affecting interstate commerce in Sioux City, Iowa, with the Mossberg .22 caliber rifle.
6. On April 24, 2013, an Iowa District Court Judge issued an arrest warrant for JAMAL DEAN and others relating to the robbery of April 24, 2013.
7. In furtherance of the joint state and federal investigation of the events of April 15, 2013, and April 24, 2013, I, (ATF Special Agent Todd Monney) and Detectives of the Sioux City Police Department began actively searching for JAMAL DEAN on the State of Iowa warrant relating to the events of April 24, 2013.
8. On April 29, 2013, JAMAL DEAN, in the east/west alley of the 1300 block of West 4th Street, fired Federal brand ammunition through the Mossberg .22 caliber rifle at a Sioux City Police Officer, striking the officer in the head with one of the rounds.
9. Before his possession of this Mossberg .22 caliber rifle and Federal brand ammunition, JAMAL DEAN had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, (1) a July 7, 2009, felony conviction for possession with intent to deliver a controlled substance – marijuana, in Woodbury County, Iowa, Case Number FECR055425, and (2) a July 25, 2012, conviction for possession of a deadly weapon by a prohibited person, a class III felony, in the Dakota County Nebraska District Court, Case No. CR 12-53.
10. During his possession of the Mossberg .22 caliber rifle and Federal brand ammunition JAMAL DEAN was then an unlawful user of controlled substance (*i.e.*, methamphetamine and marijuana) as defined in 21 U.S.C. Section 802.
11. JAMAL DEAN was thus a prohibited person in possession of a Mossberg .22 caliber rifle and ammunition in violation of Title 18, United States Code, Sections 922(g)(1) and (3) and 924(a)(2).
12. On April 29, 2013, an Iowa District Court Judge issued an arrest warrant for JAMAL DEAN on the charges of attempted murder for the April 29, 2013 shooting of a Sioux City Police Officer.
13. On April 29, 2013, Special Agents of the Bureau of Alcohol Tobacco Firearms and Explosives, Deputy United States Marshals, and other federal, state, and local law enforcement officials began actively searching for JAMAL DEAN on the State of Iowa warrant for attempted murder relating to the April 29, 2013, shooting of the Sioux City Police Officer, and for the warrant relating to the events of April 24, 2013.
14. On May 5, 2013, a Texas State Trooper stopped a 1999 Dodge Durango sport utility vehicle within 70 miles of Mexico, with EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ, JAMAL DEAN, and two children inside the vehicle.

15. On May 5, 2013, a Texas State Trooper arrested JAMAL DEAN on the outstanding State of Iowa warrants.
16. On April, 29, 2013, LEVON VARNE DEAN SR., (A/K/A LEE DEAN), who is JAMAL DEAN's father, STEFFAN DEAN, who is JAMAL DEAN's uncle, KIMBERLY SMITH, who is STEFFAN DEAN's live in girlfriend, MONICA ROCHA-CONTRERAS, who is an acquaintance of JAMAL DEAN, EVETTE MORRIS-HERNANDEZ, who is an acquaintance of JAMAL DEAN and a member of the F13 street gang with JAMAL DEAN, ESTEBAN HERNANDEZ, who is an acquaintance of JAMAL DEAN, ANNA BAKER, who is an acquaintance of JAMAL DEAN, and INGMAR HERNANDEZ (A/K/A Smiley), who is an acquaintance of JAMAL DEAN and a member of the F13 street gang with JAMAL DEAN all learned through personal conversations, television news reports, and/or social media, federal authorities were searching for JAMAL DEAN before they completed their interaction (or attempted interaction) with JAMAL DEAN on or about April 29, 2013.

OVERT ACTS

17. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Northern District of Iowa and elsewhere:

Acts before the May 5, 2013, arrest of JAMAL DEAN

- 17.a On or about April 29, 2013, LEVON DEAN SR. picked-up JAMAL DEAN from the backyard of 1607 West 2nd Street (approximately four blocks from the east/west alley of the 1300 block of West 4th Street, where the shooting occurred) in a 1989 Chevrolet pickup truck. LEVON DEAN SR's pickup truck was captured in the area by video surveillance cameras.
- 17.b On or about April 29, 2013, LEVON DEAN SR. transported JAMAL DEAN from near the scene of the shooting to the home of STEFFAN DEAN and KIMBERLY SMITH at 1414 Rebecca Street, Sioux City, Iowa.
- 17.c On or about April 29, 2013, STEFFAN DEAN and KIMBERLY SMITH welcomed LEVON DEAN SR. and JAMAL DEAN into their home at 1414 Rebecca Street, Sioux City, Iowa.
- 17.d On or about April 29, 2013, LEVON DEAN SR. JAMAL DEAN, STEFFAN DEAN, and KIMBERLY SMITH discussed the shooting, and what JAMAL DEAN's next step should be.
- 17.e On or about April 29, 2013, LEVON DEAN SR. and KIMBERLY SMITH moved the 1989 Chevrolet pickup truck to LEVON DEAN SR's, detailing shop at 712 West 7th Street, Sioux City, Iowa and returned to 1414 Rebecca Street, Sioux City, Iowa. The pickup truck was moved to the detail shop in an effort to hide the truck from the police.

- 17.f On or about April 29, 2013, KIMBERLY SMITH -- after she moved the 1989 Chevrolet pickup truck and returned to 1414 Rebecca Street, Sioux City, Iowa, -- told Officers of the Sioux City, Police Department that she had not seen JAMAL DEAN that day.
- 17.g On or about April 29, 2013, one or more conspirators arranged for the transportation of JAMAL DEAN from to 1414 Rebecca Street, Sioux City, Iowa to South Sioux City, Nebraska.
- 17.h On or about April 29, 2013, MONICA ROCHA-CONTRERAS, INGMAR HERNANDEZ (A/K/A Smiley), and unnamed and perhaps unknown conspirators picked-up JAMAL DEAN from 1414 Rebecca Street, Sioux City, Iowa in a black 2003 Cadillac sedan.
- 17.i On or about April 29, 2013, MONICA ROCHA-CONTRERAS, INGMAR HERNANDEZ (A/K/A Smiley), and unnamed and perhaps unknown conspirators transported JAMAL DEAN from 1414 Rebecca Street, Sioux City, Iowa to South Sioux City, Nebraska.
- 17.j During this transportation of JAMAL DEAN, MONICA ROCHA-CONTRERAS, INGMAR HERNANDEZ (A/K/A Smiley), and unnamed and perhaps unknown conspirators discussed the shooting and what JAMAL DEAN's next step should be.
- 17.k On or about April 29, 2013, MONICA ROCHA-CONTRERAS, INGMAR HERNANDEZ (A/K/A Smiley), and unnamed and perhaps unknown conspirators transported JAMAL DEAN to a location near 401 W. 7th Street, South Sioux City, Nebraska.
- 17.l On or about April 29, 2013, INGMAR HERNANDEZ (A/K/A Smiley), and perhaps unnamed and unknown conspirators and JAMAL DEAN walked from a location near 401 W. 7th Street, South Sioux City, Nebraska to the home of INGMAR HERNANDEZ (A/K/A Smiley) located at 704 5th Avenue, South Sioux City, Nebraska.
- 17.m On or about April 30, 2013, one or more conspirators arranged for the transportation of JAMAL DEAN from 704 5th Avenue, South Sioux City, Nebraska to ANNA BAKER'S home at 510 Elm Street Winnebago, Nebraska (on the Winnebago Reservation).
- 17.n On or about April 30, 2013, EVETTE MORRIS-HERNANDEZ, and ESTEBAN HERNANDEZ picked-up JAMAL DEAN, and INGMAR HERNANDEZ (A/K/A Smiley), at 704 5th Avenue, South Sioux City, Nebraska in a 1999 Dodge Durango sports utility vehicle.
- 17.o On or about April 30, 2013, EVETTE MORRIS-HERNANDEZ, and ESTEBAN HERNANDEZ transported JAMAL DEAN from 704 5th Avenue, South Sioux City, Nebraska to ANNA BAKER'S home at 510 Elm Street Winnebago, Nebraska.
- 17.p On or about April 30, 2013, ANNA BAKER welcomed EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ, INGMAR HERNANDEZ, and JAMAL DEAN into her home at 510 Elm Street, Winnebago, Nebraska.

- 17.q On or about April 30, 2013, ANNA BAKER, EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ, INGMAR HERNANDEZ, and JAMAL DEAN discussed the shooting, and what JAMAL DEAN's next step should be.
- 17.r On or about May 2, 2013, one or more conspirators arranged for the transportation of JAMAL DEAN from 510 Elm Street, Winnebago, Nebraska, to the Palmer House Motel located at 3440 Gordon Drive, Sioux City, Iowa.
- 17.s On or about May 2, 2013, EVETTE MORRIS-HERNANDEZ and ESTEBAN HERNANDEZ picked up JAMAL DEAN at 510 Elm Street, Winnebago, Nebraska, in a 1999 Dodge Durango sport utility vehicle.
- 17.t On or about May 2, 2013, EVETTE MORRIS-HERNANDEZ and ESTEBAN HERNANDEZ transported JAMAL DEAN from 510 Elm Street, Winnebago, Nebraska, to the Palmer House Motel at 3440 Gordon Drive Sioux City, Iowa.
- 17.u On or about May 2, 2013, EVETTE MORRIS-HERNANDEZ and ESTEBAN HERNANDEZ paid for a room and checked JAMAL DEAN into the Palmer House Motel.
- 17.v On or about May 2, 2013, EVETTE MORRIS-HERNANDEZ and ESTEBAN HERNANDEZ provided JAMAL DEAN with food at the Palmer House Motel.
- 17.w On or about May 2, 2013, EVETTE MORRIS-HERNANDEZ and ESTEBAN HERNANDEZ provided JAMAL DEAN with an electronic communication device at the Palmer House Motel.
- 17.x From on or about April 29, 2013, to on or about May 5, 2013, EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ, and JAMAL DEAN discussed the shooting and what JAMAL DEAN's next step should be.
- 17.y On or about May 3, 2013, one or more conspirators arranged for the transportation of JAMAL DEAN from the Palmer House Motel to Mexico.
- 17.z On or about May 3, 2013, EVETTE MORRIS-HERNANDEZ and ESTEBAN HERNANDEZ picked-up JAMAL DEAN at the Palmer House Motel in a 1999 Dodge Durango sport utility vehicle.
- 17.aa From on or about May 3, 2013 to on or about May 5, 2013, EVETTE MORRIS-HERNANDEZ and ESTEBAN HERNANDEZ transported JAMAL DEAN from the Palmer House Motel toward Mexico.

After arrest of JAMAL DEAN – False Statements

- 17.bb On or about May 14, 2013, ANNA BAKER told ATF Special Agent Todd Monney that no one stayed at her home on or about April 30, 2013, when she knew JAMAL DEAN had stayed at her residence on or about April 30, 2013.
- 17.cc On or about May 14, 2013, ANNA BAKER told ATF Special Agent Todd Monney that she last saw JAMAL DEAN months ago, when she knew she had seen him just days before on or about April 30, 2013.
- 17.dd On or about August 12, 2013, LEVON DEAN Sr. told ATF Special Agent Todd Monney that at about 4:30 p.m. on April 29, 2013, he had driven JAMAL DEAN, to the area of 14th and Rebecca Street and some unknown person picked JAMAL DEAN up in a Cadillac, when he knew he had taken JAMAL DEAN to the home of STEFFAN DEAN and KIMBERLY SMITH located at 1414 Rebecca Street, in Sioux City, Iowa.
- 17.ee On or about August 12, 2013, STEFFAN DEAN told ATF Special Agent Todd Monney that he learned of the shooting of a Sioux City Police Officer later that night when he saw it on the news, when he knew he had discussed the shooting with JAMAL DEAN at his residence moments after the shooting.
- 17.ff On or about August 12, 2013, STEFFAN DEAN told ATF Special Agent Todd Monney that he had last seen JAMAL DEAN at his residence months before April 29, 2013, when he knew JAMAL DEAN came to his residence moments after the April 29, 2013 shooting.
- 17.gg On or about August 12, 2013, STEFFAN DEAN told ATF Special Agent Todd Monney that he did not have a cell phone when he knew he had a cell phone.
- 17.hh On or about August 20, 2013, KIMBERLY SMITH told ATF Special Agent Todd Monney that she first found out about JAMAL DEAN shooting a police officer at approximately 10:00 p.m. via a television newscast when she knew she learned about the shooting from JAMAL DEAN, moments after the shooting, while HE was at her home.
- 17.ii On or about August 20, 2013, KIMBERLY SMITH told ATF Special Agent Todd Monney that she said she did not know how LEVON VARNE DEAN SR.'s 1989 Chevrolet pickup truck got to his detailing shop at 712 West 7th Street Sioux City, Iowa, when she knew she helped LEVON VARNE DEAN SR. move his 1989 Chevrolet pickup truck to his detailing shop, and returned to her and STEFFAN DEAN's residence at 1414 Rebecca Street, Sioux City, Iowa.

- 17.jj On or about May 9, 2013, MONICA ROCHA-CONTRERAS told ATF Special Agent Todd Monney that at approximately 9:00 p.m. on April 29, 2013, she had received a call from various friends asking her to socialize and run innocent errands (e.g., getting ice cream at Cold Stone Creamery or food at Taco Bell), when in fact as she knew she was called by INGMAR HERNANDEZ and participated in the effort to transport JAMAL DEAN from 1414 Rebecca Street, Sioux City, Iowa to South Sioux City, Nebraska.
- 17.kk On or about May 8, 2013, EVETTE MORRIS-HERNANDEZ told a Deputy United States Marshal that JAMAL DEAN called her on Wednesday and told her he was nowhere near the Sioux City, Iowa area, when she knew JAMAL DEAN was at ANNA BAKER's residence located at 510 Elm Street, Winnebago, Nebraska.
- 17.ll On or about May 8, 2013, EVETTE MORRIS-HERNANDEZ told a Deputy United States Marshal that she did not even see JAMAL DEAN the week the shooting occurred until she met with JAMAL DEAN in Dallas, Texas when, in fact, she knew she had seen him repeatedly the week of the shooting (e.g., transporting him from South Sioux City, Nebraska to the Winnebago Indian Reservation back to the Palmer House Motel, and eventually from Sioux City, Iowa to Texas.

After arrest of JAMAL DEAN -- Destruction of Evidence

- 17.mm Between April 29, 2013, and May 14, 2013, ANNA BAKER deleted the contents of her mobile phone including text messages.
- 17.nn Between April 29, 2013, and May 10, 2013, MONICA ROCHA-CONTRERAS deleted the contents of her mobile phone including text messages.
- 17.oo Between April 29, 2013 and May 13, 2013, ESTEBAN HERNANDEZ deleted the contents of the iPod he and EVETTE MORRIS-HERNANDEZ lent JAMAL DEAN during the conspiracy.

CONCLUSION

18. In view of all of the aforementioned facts, ATF Special Agent Todd Monney believes there is probable cause to believe LEVON VARNE DEAN SR., STEFFAN DEAN, KIMBERLY SMITH, MONICA ROCHA-CONTRERAS, EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ, ANNA BAKER, and INGMAR HERNADEZ conspired to interfere with and obstruct legitimate governmental activities of the United States Department of Justice (e.g., the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the United States Marshals Service) by interfering with and obstructing the federal investigation into the events of April 29, 2013, and the federal effort to assist in the apprehension of JAMAL DEAN by deceit, craft, trickery, and by means that were dishonest in violation of 18 U.S.C. 371.

19. The object of the conspiracy was as follows: from April 29, 2013, and continuing until September 1, 2013, within the Northern District of Iowa and elsewhere, JAMAL DEAN and defendants, LEVON VARNE DEAN SR., STEFFAN DEAN, KIMBERLY SMITH, MONICA ROCHA-CONTRERAS, EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ, ANNA BAKER, INGMAR HERNANDEZ, and others known and unknown ATF Special Agent Todd Monney, knowingly and willfully conspired and agreed together and with each other, (and with other persons both known and unknown to ATF Special Agent Todd Monney), to defraud the United States of and concerning its governmental functions and rights, more specifically, they conspired to interfere with and obstruct legitimate governmental activities of the United States Department of Justice (e.g., the United States Marshals Service and the Bureau of Alcohol, Tobacco, Firearms, and Explosives) by interfering with and obstructing the federal investigation into the events of April 29, 2013 and the federal effort to assist in the apprehension of JAMAL DEAN by deceit, craft, trickery, and by means that were dishonest.
20. It was a part of the conspiracy (or the manner and means of the conspiracy) that LEVON VARNE DEAN SR., STEFFAN DEAN, KIMBERLY SMITH, MONICA ROCHA-CONTRERAS, EVETTE MORRIS-HERNANDEZ, ESTEBAN HERNANDEZ, ANNA BAKER, and INGMAR HERNANDEZ (A/K/A Smiley) would by deceit, craft, trickery and dishonest means, defraud the United States by interfering with and obstructing the lawful governmental functions of the United States Department of Justice (e.g., the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the United States Marshals Service) in that the defendants would receive, relieve, comfort, assist, and conceal JAMAL DEAN in his attempt to avoid capture and questioning regarding the events of April 29, 2013.
21. It was further a part of the conspiracy (or the manner and means of the conspiracy) that the defendants would make materially false, fictitious, and fraudulent statements or representations to the United States Department of Justice (e.g., the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the United States Marshals Service).
22. It was still further a part of the conspiracy (or the manner and means of the conspiracy) that the defendants would alter, destroy, mutilate, conceal, cover up, falsify, or make false entry in records, document, or tangible object.


Todd Monney
Special Agent, ATF

Sworn to and subscribed before me this 31 day of October, 2014, at Sioux City, Iowa.


U.S. MAGISTRATE JUDGE